

REMARKS/ARGUMENTS

I. Concerning the Amendments

Claims 1-15 are canceled without prejudice to the filing of a continuation application. Claim 23 is canceled in view of the incorporation of its subject matter into Claim 16.

II. Concerning the Rejection under 35 U.S.C. 112

Claims 27 and 28 stand rejected under 35 USC 112, first paragraph, as the specification allegedly is not enabling for alloys containing copper and zinc (Claim 27), or copper and tin (Claim 28), respectively.

Examiner states that the “use of the zinc and tin containing alloys for the inhibition of polymerization is not addressed in the specification.” However, the specification at page 5, last paragraph, refers to alloys containing copper and zinc in lines 26, 27, 28, 29, 30 and 31. The same paragraph refers to alloys containing copper and tin in lines 25-26 and 29-30. It is well known that several alloys meeting the description of the specification and falling within the scope of Claims 27 and 28 are commercially available.

Applicants respectfully submit that the claims are in compliance with the requirements of the statute. A statement in the specification as broad as the broadest claim satisfies the enabling requirement unless (1) the Examiner properly challenges the truth of the statement or (2) undue experimentation would be required to practice the invention as claimed. The specification contains a statement which is as broad as the broadest claim. See the Summary of the Invention. Examiner has not properly challenged the truth of the assertions of the application. Further, undue experimentation would not be required to practice the invention in view of the clear teaching of the specification.

III. Concerning the Rejection under 35 U.S.C. 102

Claims 1, 5, 8, 10, 12, 16-20, 29, 31 and 33 stand rejected under 35 USC 102(b) as being anticipated by Nakahara et al. (hereinafter Nakahara).

Nakahara discloses an apparatus for producing (meth) acrylic acid wherein at least a part of the apparatus is made of an alloy which may contain from 0.5 to 7% copper by mass.

Claims 16-20, 29, 31 and 33 are novel over Nakahara in view of the amendment to Claim 16 to incorporate the subject matter of Claim 23.

IV. Concerning the Rejection under 35 U.S.C. 103

Claims 2-4, 9, 11, 13-15, 21-26, 30, 32 and 34-36 stand rejected under 35 USC 103 as being obvious over Nakahara. Examiner's rationale is that since Nakahara shows inhibition with a maximum copper content of 7%, obviously alloys containing more copper would offer at least the same level of inhibition.

Examiner's argument is conclusory, and not supported by any other reference or evidence. Nakahara alone does not motivate one of ordinary skill in the art to increase the level of copper in an apparatus in an acrylic acid-containing system.

V. Conclusion

For the foregoing reasons, reconsideration of the claims and passing of the application to allowance are solicited.

Respectfully submitted,

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